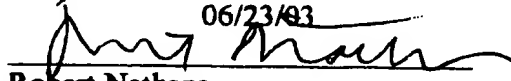


Atty dkt: milone 1

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Robert Nathans
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6/28/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Christopher Milone

Group art unit: 2856

Application no. 09/944,767

Examiner: Andre Jackson
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Filed 08/312/2001

JUN 23 2003

RESPONSE A

TECHNOLOGY CENTER 2800

Applicant respectfully traverses the four way restriction
requirement in the office action of based on the following:

1. Independent claim 27 of group II in paragraphs a-c calls for a sensor extending down the length of a well and having a hydrostatic sensing circuit responding to the actuation pressure to measure the thickness of all liquids along with an electrically conductive sensor for measuring the thickness of water.
2. Independent claim 1 of group I calls for a sensor extending down the length of a well and having a hydrostatic sensing circuit responding to the

actuation pressure to measure the thickness of all liquids along with an electrically conductive sensor for measuring the thickness of water.

One difference between claim 1 and 27 is that resistive networks are specified in claim 1. I could of added dependent claims to claim 27 specifying resistance networks and there would be no restriction requirement between these dependent claims and 27. This is because applicants are entitled to present claims having variable degrees of specificity.

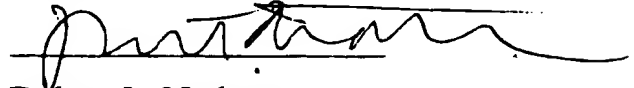
3. Another example: I could of drafted claim 27 without the data processor of (d) and added a dependent claim to 27 paragraphs a-c. Merely comparing the measured values with a data processor instead of mentally or with a pencil and paper would not support separate patents as required for restriction. Please see MPEP 803.01 (page 800-4).

4. Claim 28 of group III specifies that the aqueous sensor takes the form of a tape permanently positioned in the well. This feature could have been added as a dependent claim to claim 27 since applicant is entitled to a set of claims of varying degrees of specificity. Likewise with respect to independent claim 29 of group IV.

5. Furthermore, MPEP 803 states that "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." Emphasis supplied. MPEP page 800-4. The field of search for all of groups I, II, III, and IV as cited by the examiner are the same; namely class 73 subclass 152. This is evidence indicating that the

prima facie requirement for restriction is in error. The fact that the liquid column thickness measured for ground water versus liquid thickness for other columns of water should not require very different fields of search placing a burden on the examiner. Please see MPEP 808.02 (C); page 800-48.

Respectfully submitted,



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